

principle in the creation of the present Commission that "Modernization must not change Social Security benefits for retirees or near-retirees."

No matter what reform plan Congress may consider, one of the more productive interim steps we can undertake is to create an environment where constructive, bipartisan policy options can be pursued. Toward this end, I believe that it is important to remove the "demagoguery factor" from the Social Security reform discussion by ensuring seniors that they receive every cent that the government has promised them, including an accurate annual cost-of-living increase. That is why we are introducing the Social Security Benefits Guarantee Act today.

Unfortunately, current law affords no such protection for our nation's elderly. In the Supreme Court's 1960 decision *Flemming v. Nestor*, 363 U.S. 603, the Court held that Americans have no property right to their Social Security benefits, and that Congress has the power to change Social Security benefits at any time. One unfortunate by-product of this case law is that current beneficiaries have fallen victim to scare tactics from politicians, interest groups and others stating or implying that sustainable long-term Social Security reform will lead to a reduction or endangerment of their benefits.

Social Security reform is too important to working Americans to allow short-term political demagoguery to drown out serious bipartisan efforts to put our most vital social program on sound fiscal and actuarial footing. By passing an explicit property right to Social Security benefits for those eligible for and receiving benefits, Congress can assure seniors that their benefits will be protected and focus the reform discussion on the future, where it belongs, and how we can best preserve Social Security's financial dependence at a cost that future generations can bear.

In closing, it is my sincere hope that our colleagues will join Senator VOINOVICH and me in supporting this commonsense legislation to provide America's seniors peace of mind during the inevitable policy challenges that lie ahead for Social Security's financing.

I again thank Senator VOINOVICH for working with me in this effort, and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Social Security Benefits Guarantee Act of 2001".

SEC. 2. GUARANTEE OF FULL SOCIAL SECURITY BENEFITS WITH ACCURATE ANNUAL COST-OF-LIVING ADJUSTMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue a benefit guarantee certificate to each indi-

vidual who is determined by the Commissioner of Social Security as of the date of the issuance of the certificate to be entitled to benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.). The Secretary shall also issue such a certificate to any individual on the date such individual is determined thereafter to be entitled to benefits under such title.

(b) BENEFIT GUARANTEE CERTIFICATE.—The benefit guarantee certificate issued pursuant to subsection (a) shall represent a legally enforceable guarantee—

(1) of the timely payment of the full amount of future benefit payments to which the individual is entitled under title II of the Social Security Act (as determined under such title as in effect on the date of the issuance of the certificate); and

(2) that the benefits will be adjusted thereafter not less frequently than annually to the extent prescribed in provisions of such title (as in effect on the date of the issuance of the certificate) providing for accurate adjustments based on indices reflecting changes in consumer prices as determined by the Bureau of Labor Statistics or changes in wages as determined by the Commissioner of Social Security.

(c) OBLIGATION TO PROVIDE PAYMENTS AS GUARANTEED.—Any certificate issued under the authority of this section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to the individual to whom the certificate is issued benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) in amounts in accordance with the guarantee set forth in the certificate.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 79—EXPRESSING THE SENSE OF CONGRESS THAT PUBLIC SCHOOLS MAY DISPLAY THE WORDS "GOD BLESS AMERICA" AS AN EXPRESSION OF SUPPORT FOR THE NATION

Mr. THURMOND submitted the following concurrent resolution, which was referred to the Committee on the Judiciary:

S. CON. RES. 79

Resolved, by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is consistent with the Constitution for public schools to display the words "God Bless America" as an expression of support for the Nation.

Mr. THURMOND. Mr. President, I rise today to introduce a resolution that would demonstrate the support of Congress for the renewed public patriotism in our country. It would express the sense of the Congress that public schools should be free to post the phrase "God Bless America" without the misguided fear that it is illegal and violates the Constitution.

In response to the terrorist attacks of September 11, the patriotism of the American people can be seen everywhere. The American flag is being flown all across our country, from homes and cars to schools and playing fields. Patriotic songs are being sung with a renewed enthusiasm at all public places.

One such patriotic song is "God Bless America," which was written during World War I and became part of American life. Members of Congress spontaneously sang it on the steps of the Capitol the night of the attacks, and it has been played countless times across the country in recent weeks.

The outpouring of unity and love that our Nation has expressed is inspiring. It is truly a fitting response to the terrorists. After all, their goal was to tear us apart, but what they have actually done is bring us together.

One small expression of unity came from Breen Elementary School in Rocklin, California, which posted the phrase "God Bless America" on a marquee in front of the school.

Given the patriotism all across our country, this small expression of resolve would not seem to be newsworthy. After all, these words are part of the history and fabric of our country. These words demonstrate the spirit of America.

Unfortunately, there are a few who do not agree, and do not support Breen Elementary's display of patriotism. The American Civil Liberties Union has demanded that the school remove the slogan, saying that the school is clearly violating the Constitution. It even referred to the display of "God Bless America" as "hurtful" and "divisive."

To say that "God Bless America" is "hurtful" and "divisive" is absolutely ridiculous. The phrase is also in no way unconstitutional. I have disagreed with the ACLU many times over the years, but their response here is even hard for me to believe. It simply wrong for the ACLU to try to bully this school into supporting its extreme interpretation of the Constitution.

Fortunately, the school is not intimidated. Rocklin Unified School District Superintendent Kevin Brown has made it plain that the school is standing firm in its decision to keep "God Bless America" posted. It is a decision that is principled, appropriate, and entirely in keeping with the Constitution. We all should be proud of the school for taking this courageous stand.

Simply put, the ACLU has no support in the law for its position. While there does not appear to be any Federal cases ruling on the phrase "God Bless America," various challenges have been made to a similar slogan, "In God We Trust." The Ninth Circuit Court of Appeals, arguably the most liberal federal appeals court, held in *Aronow v. United States* that the use of this phrase on currency and as the national motto does not violate the establishment clause of the Constitution. The court said, "Its use is of a patriotic or ceremonial character and bears no true resemblance to a governmental sponsorship of a religious exercise." It also said that "it is quite obvious" that the phrase "has nothing whatsoever to do with the establishment of religion."

While the ninth circuit is the most relevant here because the school is located in California, other circuit courts

have reached the same conclusion. The tenth circuit explained in *Gaylor v. United States* that the national motto "through historical usage and ubiquity cannot be reasonably understood to convey government approval of religious belief." In cases such as *Lynch v. Donnelly*, the Supreme Court has indicated its approval of these rulings. Even Justice William Brennan, one of the most liberal Supreme Court Justices of the modern era and one of the most strident advocates for the separation of church and state, even indicated his support for this view, saying that Americans have "simply interwoven the motto so deeply into the fabric of our civil polity" as to eliminate constitutional problems.

The same reasoning applies to Breen Elementary's use of "God Bless America." Both of these phrases show the important role that religion plays in America, but they are not an establishment of religion or endorsement of religious belief.

It is also significant that even when the Supreme Court ruled that organized prayer in public schools was unconstitutional in *Engel v. Vitale*, it made it clear that the case did not apply to patriotic or ceremonial anthems that refer to God. While I have always viewed this case as misguided, and have for years introduced a constitutional amendment to reverse it, even this case supports Breen Elementary School.

The fact is that religion is central to our culture and our patriotic identity as a nation. As the Supreme Court said in *Lynch v. Donnelly*, there is an "unbroken history of official acknowledgement by all three branches of government of the role of religion in American life."

This is not something we should ignore or hide. I have never understood why some have desperately tried to remove any acknowledgment of religion from American life.

Just the opposite should be the case. It is only fitting that we would turn to these expressions in times of great difficulty.

I hope that my colleagues will join me in supporting the patriotism displayed in Rocklin, California. Throughout the history of this great Nation, we have invoked the blessings of God without establishing religion. From prayers before legislative assembly meetings and invocations before college football games to the national motto embedded on our currency, our Constitution has allowed references to God. During this time of national tragedy and recovery, we should not allow extreme interpretations of the Constitution to dampen our patriotism and resolve.

This is an important matter that deserves our attention during these difficult times. A resolution very similar to this one has been introduced in the House by my friend, Representative HENRY BROWN. We should support Breen Elementary School and others like it as they personify the spirit of America.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on October 18, 2001, in SR-328A at 11 a.m. The purpose of this business meeting will be to discuss the new Federal farm bill.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Dr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, to conduct a hearing on "The Failure of Superior Bank, FSB, Hinsdale, Illinois."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., to conduct a hearing to review the Federal Emergency Management Agency's response to the September 11, 2001, attacks on the Pentagon and the World Trade Center. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, October 16, 2001, following the first vote of the day for a business meeting to consider pending committee business, including the nomination of Mark Everson, to be Controller, Office of Federal and Financial Management, Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Tuesday, October 16, 2001, at 3 p.m.

Agenda: Markup of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; S. 727, a bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; H.R. 717, to amend the Public Health Service Act to provide for research and services with respect to Duchenne muscular dystrophy; an original bill dealing with mental

health and terrorism; and the nomination of Jean Scalia to be Solicitor General of the Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a confirmation hearing on the nomination of Thomas M. Sullivan to be Chief Counsel for Advocacy at the U.S. Small Business Administration on Tuesday, October 16, 2001, beginning at 10:15 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, for a hearing on the Department of Veterans Affairs' Fourth Mission: Caring for Veterans, Servicemembers, and the Public Following Conflicts and Crises. The meeting will take place in room 418 of the Russell Senate Office Building at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, October 16, 2001, at 10 a.m., on Emergency 911.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, October 16, 2001, at 2 p.m., in closed session to receive testimony on security of Department of Defense ammunition shipments.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Youth Violence be authorized to meet to conduct a hearing on Tuesday, October 16, 2001, at 10:30 a.m., in Dirksen 226.

"Defending America's Transportation Infrastructure" panel: The Honorable Mike Parker, Assistant Secretary for the Army (Civil Works), Department of the Army, Washington, DC; Brian M. Jenkins, Senior Advisory to the President, RAND Corporation, Santa Monica, CA; Donald E. Brown, Chair of the Department of Systems Engineering, University of Virginia,